

**In the
Indiana Supreme Court**

CAUSE NUMBER: 94S00-0809-MS-

ORDER AMENDING CRIMINAL RULES

Under the authority vested in this Court to provide by rule for the procedure employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts of this state, Rules 2.3 and 24 of the *Indiana Rules of Criminal Procedure* are amended to read as follows (deletions shown by ~~striking~~ and new text shown by underlining):

INDIANA CRIMINAL RULES

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Rule 2.3 Transfer of Cases

(A) Transfer of Cases from City and Town Courts. In all counties where there are circuit, superior, county or juvenile courts, and where there also exist in the same county a city or town court, the judge of the city or town court may, with the consent of the judge of such circuit, superior, county or juvenile court, transfer to the circuit, superior, county or juvenile court any cause of action filed and docketed in such city or town court. Transfer may occur by transferring to the receiving court all original pleadings and documents and bail bonds filed in such cause of action. The cause of action shall be redocketed in the receiving court and disposed as if originally filed with the receiving court, provided that the receiving court has jurisdiction over the matter.

(B) Transfer of Cases to City and Town Courts. The judge of a circuit, superior, county or juvenile court may, with the consent of the judge of a city or town court within the county, transfer to such city or town court any cause of action filed and docketed in the circuit, superior, county or juvenile court, provided that the receiving court has jurisdiction over the matter. Transfer may occur by transferring to the receiving court all original pleadings and documents and bail bonds filed in such cause of action. The cause of action shall be redocketed in the receiving court and disposed as if originally filed with the receiving court.

(C) Transfer of Probation Supervision between Counties after Sentencing. The judge of a circuit, superior, city or town court, when transferring probation supervision to a court of another jurisdiction, may also transfer sanctioning authority for probation violations, including

revocation of probation. If the original sentencing court transfers sanctioning authority, the consent of the judge in the receiving court is required.

(D) Fee for Transfer of Probation Supervision. An offender on probation who applies to have the probation supervision transferred to a court in another jurisdiction shall pay a transfer fee of seventy-five dollars (\$75) to the receiving court. The receiving court may waive the transfer fee if it finds the offender is indigent.

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Rule 24. Capital Cases

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(D) Transcription of Capital Cases. The trial or post-conviction court in which a capital case is pending shall provide for stenographic reporting with computer-aided transcription of ~~any and all~~ phases of trial and sentencing and all evidentiary hearings, including both questions and answers, all rulings of the judge in respect to the admission and rejection of evidence and objections thereto and oral testimony, argument, ~~or other matters required to be reported under as~~ required by Criminal Rule 5. If the parties agree, on the record, the court may permit electronic recording or stenographic reporting without computer-aided transcription of pre-trial attorney conferences and pre-trial or post-trial non-evidentiary hearings and arguments.

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These amendments shall take effect January 1, 2009.

The Clerk of this Court is directed to forward a copy of this Order to the Clerk of each Circuit Court in the State of Indiana; Attorney General of Indiana; Legislative Services Agency and its Office of Code Revision; Administrator, Indiana Supreme Court; Administrator, Indiana Court of Appeals; Administrator, Indiana Tax Court; Public Defender of Indiana; Prosecuting Attorney's Council; Indiana Supreme Court Disciplinary Commission; Indiana Supreme Court Commission for Continuing Legal Education; Indiana Board of Law Examiners; Indiana Judicial Center; Division of State Court Administration; Indiana Judges and Lawyers Assistance Program; the libraries of all law schools in this state; the Michie Company; and the West Group.

The West Group is directed to publish this Order in the advance sheets of this Court.

The Clerks of the Circuit Courts are directed to bring this Order to the attention of all judges within their respective counties and to post this Order for examination by the Bar and general public.

DONE at Indianapolis, Indiana, this _____ day of September, 2008.

Randall T. Shepard
Chief Justice of Indiana

All Justices concur.